

 <div style="text-align: center;"> Financial Assistance Award DENALI COMMISSION 510 L Street, Suite 410 Anchorage, Alaska 99501 (907) 271-1414 (phone) (907) 271-1415 (fax) www.denali.gov </div>		Award Number	01503-00		
		Award Title	Revetment Design and Flood Study Match - Kivalina		
		Performance Period	October 1, 2016 through December 31, 2017		
Authority 112 Stat 1854	CFDA Number 90.100	<u>Recipient Organization & Address</u> Native Village of Kivalina PO BOX 50051 Kivalina, AK 99750-0051			
Denali Commission Finance Officer Certification		Phone: Recipient DUNS # 139126739 TIN # 92-0064993			
<u>Cost Share Distribution Table</u>					
Accounting Code	New Funding		Prior Period Funding		Total
	Denali Commission	Other Contributors	Denali Commission	Other Contributors	
95670000	\$262,000.00		\$0.00		\$262,000.00
	\$0.00		\$0.00		\$0.00
	\$0.00		\$0.00		\$0.00
	\$0.00		\$0.00		\$0.00
		\$0.00		\$0.00	\$0.00
		\$0.00		\$0.00	\$0.00
		\$0.00		\$0.00	\$0.00
		\$0.00		\$0.00	\$0.00
		\$0.00		\$0.00	\$0.00
Total	\$262,000.00	\$0.00	\$0.00	\$0.00	\$262,000.00
This Financial Assistance Award approved by the Federal Co-Chair of the Denali Commission constitutes an obligation of federal funding.					
Signature of Authorized Official - Denali Commission Electronically Signed		Typed Name and Title Mr. Jay Farmwald Director of Programs		Date 10/06/2016	

AWARD ATTACHMENTS

Native Village of Kivalina

01503-00

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1. Terms and Conditions
 2. Attachment A
 3. Project Budget

**Financial Assistance Award Terms and Conditions
Between the Denali Commission and Native Village of Kivalina
For Revetment Design and Flood Study Match
Award No. 1503**

1. Project Summary

- a. Scope of Work: Provide Local Match to the U.S. Army Corps of Engineers (USACE), as required under Section 116 authority, for a Flood Study and Revetment Design.
- b. Deliverables: Executed agreement between the Native Village of Kivalina (NVK) and the USACE for Section 116 projects, Cost Share agreements for the Flood Study and the Revetment Design, and completed Study and Design.
- c. Budget: The Commission is making \$262,000 available to the NVK via this Financial Assistance Award (FAA). This amount includes all direct and indirect costs. All Commission funding is intended to be used for the scope of work identified in this FAA only. Any funds remaining after the full scope of work has been completed shall be returned to the Denali Commission consistent with 2 CFR 200.319.
- d. Delivery Method: NVK will work with the USACE to execute an agreement for Section 116 projects. NVK will then enter into specific Cost Share Agreements with the USACE for the Flood Study and the Revetment Design.
- e. Performance Period: The Period of Performance for this FAA is 1 October 2016 through 31 December 2017. In accordance with 2 CFR 200.309 Recipients can only incur obligations or costs against this FAA during the Period of Performance, unless specifically authorized in the Special Provisions (Section 14 of this document). If a project cannot be completed within the approved Period of Performance, an extension request must be made in accordance with the Commission's *Recipient Guidelines and Requirements* (RGR) document dated July 2015, available at www.denali.gov.

More detailed information on scope, deliverables, budget, funding, project delivery method and/or management plan, and schedule are included in Attachment A dated 19 September 2016.

2. Project Reporting and Commission Site Visits

Progress reports and a close-out report are required under this FAA. Progress Reports shall be submitted at the frequency stipulated in the Special Provisions.

The Closeout Report shall be completed within 90-days of the end of the Period of Performance. All reports must be submitted using the Denali Commission's on-line Project Database System, available at www.denali.gov/dcpdb. Commission staff or agents of the Commission may make visits to the project site and/or home office to monitor progress during and/or after the Period of Performance. The Recipient shall coordinate and make information available as necessary to facilitate any such site visits.

Refer to the *Recipient Guidelines and Requirements* document for further information related to reports and site visits.

3. Payments

Payments under this FAA will be made in accordance with 2 CFR 200.305 by electronic transfer in response to a Standard Form 270 (SF-270) "Request for Advance or Reimbursement", submitted by the Recipient. If Pre-award Costs and/or Advance Payments are authorized under this FAA, the Special Provisions will indicate so. Requests for reimbursements may be made as needed. Refer to the *Recipient Guidelines and Requirements* document for further information about submitting SF-270's.

4. Modifications

In accordance with 2 CFR 200.308, the Recipient shall report deviations in project scope, budget, delivery method, management plan, schedule, or changed site conditions to the Program Manager. The Recipient shall also submit written requests to the Program Manager for the replacement of Key Staff identified in the Special Provisions. Refer to the *Recipient Guidelines and Requirements* document for further information about modifying a Financial Assistance Award.

5. Financial Management, Record Keeping, Internal Controls, and Audits

The Recipient must have financial management and record keeping systems that are consistent with 2 CFR 200.302. If the Recipient is a State organization, it must expend and account for FAA funds in accordance with applicable State laws and procedures for expending and accounting for the State's own funds.

The Recipient must establish and maintain effective internal controls with respect to this FAA that are consistent with 2 CFR 200.303.

In accordance with 2 CFR 200.501, Recipients that expend \$750,000 or more of federal funds in a year shall have a single or program-specific audit conducted for that year.

Refer to the *Recipient Guidelines and Requirements* document for further information about financial management, record keeping, internal controls and audits.

6. Direct and Indirect Costs

All direct costs must be allowable and reasonable. Indirect costs must be allocable based on accepted accounting policies and practices. Indirect costs must be specifically included as a line item or identified with appropriate notes in the approved FAA budget. Refer to 2 CFR 200 Subpart E (Cost Principles) and the *Recipient Guidelines and Requirements* document for further information on direct and indirect costs.

7. Sub-Awards and Contracts

All sub-awards and contracts issued by the Recipient under this FAA must comply with 2 CFR 200.331 and Appendix II to 2 CFR 200. Refer to the *Recipient Guidelines and Requirements* document for further information on this subject.

8. Acknowledgement of Support

The Recipient shall display a sign that acknowledges the Government's support for construction projects funded in whole or in part under this FAA. The Recipient shall name the Denali Commission as a financial contributor and project/program partner in all media correspondence related to all work supported by this award. Refer to the *Recipient Guidelines and Requirements* document for further information on this subject.

9. Real and Personal Property

In accordance with 2 CFR 200.311, 313, and 316 the Denali Commission may require the Recipient to execute a security interest or other public notice of record to indicate that real or personal property acquired or improved, in whole or in part, with Federal funds is subject to a Federal interest. Any such requirements under this FAA, including post project reporting in accordance with 2 CFR 200.329, will be stipulated in the Special Provisions.

10. Conflict of Interest

In accordance with 2 CFR 200.112, the Recipient must disclose in writing any potential conflicts of interest to the Commission. In addition, 2 CFR 200.318 requires that Recipients maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the

selection, award, and administration of contracts. Refer to the *Recipient Guidelines and Requirements* document for further information on this subject.

11. Denali Commission Policies

Recipients may be required to comply with certain published Denali Commission policies. Any such requirements under this FAA will be stipulated in the Special Provisions. Refer to the *Recipient Guidelines and Requirements* document for further information on individual policies.

12. Laws and Regulations

Recipients are required to comply with all applicable Federal laws and regulations. General categories of potentially applicable laws and regulations are summarized below. Refer to the *Recipient Guidelines and Requirements* document for further information on specific laws and regulations that may apply.

- a. Debarment and Suspension
- b. Whistle-blower Protection
- c. Non-Discrimination
- d. Lobbying and Propaganda
- e. Environmental
- f. Drug-Free Workplace
- g. Travel
- h. Human Rights
- i. Animal Welfare
- j. Executive Compensation

13. Other Provisions

- a. The United States expressly disclaims any and all responsibility or liability to the Recipient or sub-recipients for the actions of the Recipient or sub-recipients resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this FAA, including sub-awards, contracts, or sub-contracts issued in connection with this FAA.
- b. To the maximum extent practicable, considering applicable laws, the Recipient shall accomplish the project contemplated by this FAA using local Alaska firms and labor.
- c. All terms and conditions contained in this FAA apply to any sub-recipient under this FAA.
- d. Failure to comply with the provisions of this FAA or maintain satisfactory performance may result in additional FAA conditions pursuant to 2 CFR 207. This includes but is not limited to: temporarily withholding of payments

pending the correction of the deficiency; disallowance of project costs; wholly or partially suspending or terminating the FAA. In addition, failure to comply with the provisions of this FAA may also have a negative impact on the Recipient's eligibility for future Federal awards.

14. Special Provisions

Progress Reports: Quarterly

Pre-award Costs: Not Allowed

Key Staff: Eleanor K. Swan, Local Coordinator
Millie Hawley, President Kivalina IRA Council

Advance Payments: n/a

Federal Property Interests and Reporting Requirements: n/a

Denali Commission Policies: n/a

Bonds and Insurance: n/a

15. Program Manager, Financial Manager & Other Contact Information

Denali Commission	Native Village of Kivalina
Don Antrobus, PE ETC Program Manager 510 L Street, Suite 410 Anchorage, AK 99501 Phone: 907-271-1414 Fax: 907-271-1415 E-mail: dantrobus@anthc.org	Millie Hawley President, Kivalina IRA Council P.O. Box 50051 Kivalina, AK 99750 Phone: 907-645-2153 Fax: 907-645-2193 Email: environmental.irrcoordinator@kivaliniq.org
Janet Davis Grants Management Officer 510 L Street, Suite 410 Anchorage, AK 99501 Phone: 907-271-1414 Fax: 907-271-1415 E-mail: jdavis@denali.gov	Shirley Adams Bookkeeper P.O. Box 50051 Kivalina, AK 99750 Phone: 907-645-2153 Fax: 907-649-2193 Email: tribeclerk@kivaliniq.org

Attachment A
to
Financial Assistance Award 1503
Between the Denali Commission and the Native Village of Kivalina
For Revetment Design and Flood Study Match

Scope of Work: The USACE anticipates entering into an agreement with NVK for Section 116 projects. This will be accomplished by amending the existing Section 117 agreement which is no longer in effect. With the new agreement in place, the USACE will obtain funding to conduct a Flood Study and develop a Revetment Design. These Section 116 projects will require a 35% local match.

Deliverables:

An executed agreement between NVK and USACE for Section 116 projects
Cost share agreement between NVK and USACE for Flood Study and Revetment Design
USACE detailed design schedule
Courtesy copies of design milestone documents
Completed Flood Study accepted by NVK
Completed Revetment Design accepted by NVK

Budget: The Commission is making \$262,000 available to the Native Village of Kivalina for cost share match for Section 116 Flood Study and Section 116 Revetment Design

Delivery Method: NVK will work with USACE to execute an agreement for Section 116 projects. NVK will then enter into specific Cost Share Agreements with USACE for the Flood Study and the Revetment Design. Upon completion of the cost share agreement, Commission funds will be transferred to USACE for execution of the project. It is anticipated that USACE will utilize subcontractors to complete field investigation and survey work and internal resources to complete design activities. NEPA activities will be completed by USACE according to its own policies and procedures.

Schedule: The initial performance period for this FAA is 1 October 2016 through 31 December 2017. The performance period may be extended by amendment.

Key Milestones:

Completed 116 project and cost share match agreements	30 November 2016
Design delivery schedule	31 December 2016
65% flood study report	30 September 2017
65% revetment design	30 September 2017
Final Flood Study Report	31 December 2017
Final Revetment Design	31 December 2017

<i>line</i>	Item/Activity	Estimate	Basis / Notes
1	Matching Funds		
2	Flood Study Match	\$ 140,000	35% of estimated cost of Flood Study; Corps of Engineers' Section 116 project; 65% share from the Corps estimated at \$260,000
3	Revetment Design Match	\$ 122,000	35% of estimated cost of Revetment Design; Corps of Engineers' Section 116 project; 65% share from the Corps estimated at \$228,000
4	Subtotal Matching Funds	\$ 262,000	
5			
6	TOTAL¹	\$ 262,000	

Footnotes

1. There are no indirect costs included in the budget for this grant. Amendments may be considered after NVS and COE execute agreement for Section 116 Projects.